

22.12.2020
Item No. 25
Ct. No.4
PG

**W.P.A. 13533 of 2019
(Via Video Conference)**

**Pratik Mondal & Ors.
Vs.
The Mahestala Municipality & Ors.**

Mr. Somnath Roy Chowdhury.....for petitioners

Mr. Raghunath Chakraborty.....for Mahestala
Municipality

Mr. Tridib Bose.....for intervener

Petitioners say they are residents of Mahestala. They are aggrieved by erection of mobile tower on Plot C-, Dag no. 125 , Mouza-Parbangla, South 24-Parganas. It appears from the writ petition that petitioners were organising Durga Puja in that plot and on erection of the mobile tower they have come to Court for direction upon the Municipality to initiate demolition proceeding. Mr. Roy Chowdhury, learned advocate appears on their behalf and submits, orders be made as prayed for.

Mr. Chakraborty, learned advocate appears on behalf of the Municipality. On query from Court on whether there has been a plan sanctioned for erection of the tower, he prays for adjournment to obtain instructions. Mr. Bose, learned advocate appears on behalf of a person, who claims to be owner of the

tower. His client wants to intervene in the adjudication of this writ petition. Mr. Roy Chowdhury submits, respondent no. 5 caused erection of the tower.

Petitioners will approach the Municipality for redressal of their grievance, already made by representation dated 28th June, 2019. The Municipality will consider whether proceeding under section 218 of West Bengal Municipal Act, 1993 is to be initiated. Such consideration will be on calling for hearing the person required to be called under the section. The Municipality will inform petitioners of their decision as to whether demolition proceeding is to be initiated, within three weeks from communication of this order. In event demolition proceeding is initiated, it will be proceeded with in accordance with law. Otherwise reason for no demolition must be made known to petitioners, also within that time.

Writ petition is disposed of.

(Arindam Sinha, J.)